

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUADALUPE CHAIDEZ,

Plaintiff,

v.

A. SANDOVAL, JR., E. MAGALLANES,  
B. ADAMAK,

Defendants.

Case No. 1:22-cv-00359-HBK (PC

ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 5)

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS

Plaintiff, a prisoner, initiated this action on March 28, 2022, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement. (Doc. Nos. 5, 8). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is obligated to make an initial payment of \$47.50<sup>1</sup> (20% of the average 6-month balance immediately preceding the filing of the complaint). *Id.*, § 1915(b)(1)(B).** Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited to his trust account. The California Department of Corrections is required to

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<sup>1</sup> According to the prison trust fund statement, Plaintiff's average monthly balance for the 6-month preceding the filing of the Complaint was \$237.50. (Doc. No. 8).

1 send the initial \$47.50 payment to the Clerk of the Court and subsequent payments from  
2 Plaintiff's account each time the amount in his account exceeds \$10.00, until the statutory filing  
3 fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 ACCORDINGLY, it is **ORDERED**:


5 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 5) is GRANTED.

6 2. **The Secretary of the California Department of Corrections, or his designee shall**  
7 **forward an initial payment of \$47.50 to the Clerk of the Court from Plaintiff's prison trust**  
8 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**  
9 **payments in an amount equal to twenty percent (20%) of the preceding month's income**  
10 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**  
11 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**  
12 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and  
13 number assigned to this action.

14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's  
15 *in forma pauperis* application on the Secretary of the California Department of Corrections, via  
16 the court's electronic case filing system (CM/ECF).

17 4. The Clerk of the Court is directed to serve a copy of this order on the Financial  
18 Department, U.S. District Court, Eastern District of California.

19  
20 Dated: May 11, 2022

21   
22 HELENA M. BARCH-KUCHTA  
23 UNITED STATES MAGISTRATE JUDGE  
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